PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION

GENERAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 6th July 1965.

G. S. R. 597.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following rules, namely :—

1. Title and commencement.—(1) These rules may be called the Mysore Civil Services (Confidential Reports) Rules, 1965.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires,—

(1) "Chief Secretary" means the Chief Secretary to the Government of Mysore ;

(2) "Form" means a Form appended to these rules ;

(3) "Gazetted Officer" means an Officer of State Civil Services Class I or Class II ;

(4) "Head of Department" in respect of Presiding Officers of Courts in the Mysore Judicial Service means the Chief Justice of the High Court of Mysore ;

(5) "Non-Gazetted Officer" means an Officer of the State Civil Services Class III.

3. **Annual Confidential Reports.**—In respect of every Gazetted and non-Gazetted Officer an Annual Confidential Report shall be recorded assessing as correctly as possible such officer's physical, mental and moral suitability for his office and for promotion, his ability to apply intelligently the law and procedure prescribed to cases coming before him, his treatment of his subordinates and behaviour to his superiors and colleagues in other departments and his relations with the public.

4. **Period of Report.**—(1) The Confidential Report in respect of a Gazetted Officer shall be recorded in Form A and of a non-Gazetted Officer in Form B, covering the period of his service from the 1st January to the 31st December every year :

Provided that during the first three years of service of an officer, a Confidential Report shall be recorded covering the period of service every six months.

5. **Preparation and transmission of Reports.**—The following provisions shall be applicable in respect of the preparation and transmission of Confidential Reports, namely :—

(*a*) The report shall be written or typed by the officer preparing the report. To facilitate identification, the name of the officer recording the report shall be written in block letters below his signature and his designation also indicated.

(*b*) The name and designation of the officer in respect of whom the report is recorded shall be specified in full and in the same manner as shown in the Civil List or the Service Book.

(*c*) The report shall, unless otherwise prescribed, be made in the first instance by the officer under whose administrative control the officer in respect of whom the report is recorded is working and passed on to the next higher officer who shall add his remarks, if any, before passing it on. If the officer through whom a report passes has no knowledge of the work of the officer reported upon, he shall record a statement accordingly.

(*d*) An officer preparing a Confidential Report shall record all relevant observations and opinions which he might have formed, which shall be a frank and full appraisal of the officer's merits and demerits giving as far as possible specific instances or reasons for the particular opinions he has expressed. A report shall be prepared with the greatest caution and no record or remarks shall be made lightly on the spur of the moment or based on prejudice.

(*e*) (i) In the case of non-Gazetted Officers, the report shall be recorded by the Head of the Office.

(ii) In the case of Gazetted Officers other than officers referred to in clauses (iii) and (iv), the report shall be prepared in duplicate and transmitted through the usual channels to Government. After the Minister-in-charge has seen the report and add his remarks, if any, one copy shall be retained in the Secretariat and the duplicate returned to the Head of the Department for record.

(iii) Reports in respect of Secretaries to Government shall be prepared by the Chief Secretary and in the case of Heads of Departments by the Secretary of the Department concerned (or, where he is junior to the Head of the Department, by the Chief Secretary) and submitted to the Chief Minister through the Ministers of all the Departments with whom the Secretary/Head of Department is concerned.

(iv) In the case of officers of the Mysore Judicial Service, other than District Judges, the report shall be prepared in duplicate and transmitted through the High Court and the Chief Secretary to the Governor. In the case of District Judges the report shall be prepared in duplicate and the original transmitted by the Head of the Department to the Governor through the Chief Secretary.

(*f*) Whenever an officer is transferred in the middle of a year, a report shall be prepared unless the transfer is

within the first three months of the succeeding year, and forwarded to the officer under whose administrative control the officer is transferred, to be completed at the end of the year.

(*g*) (i) Divisional Commissioners and Project Executive Officers may, in respect of any officer working in the areas under their control, prepare a note indicating their opinions as to the manner in which the officer has conducted himself during the course of the year and forward the report to the Head of the Office in case of non-Gazetted Officers and to the Head of the Department in case of Gazetted Officers, and the Head of the Office or the Head of the Department shall forward such reports along with the Annual Confidential Reports of the officers concerned. Such reports shall form part of the Confidential Record of the officer concerned.

(ii) Copies of notes made by the Judges of the High Court during the inspection of subordinate Courts indicating their opinions as to the manner in which the presiding officers of such Courts have conducted themselves and of observations made in judgments or orders of the High Court as regards the work of presiding officers of Courts shall be forwarded to the Governor along with the Annual Confidential Reports of the officers concerned. Such notes and observations shall form part of the Confidential Record of the officer concerned.

6. **Particulars in a Confidential Record.**—The first page of the Confidential Record of every officer shall be in Form 'C' and the particulars mentioned therein shall be filled at the time the first report is prepared, the entries being altered from time to time when necessary.

7. **Punishments.**—The penalty of censure imposed on an officer or orders regarding any other disciplinary action

shall not be recorded in the Annual Confidential Reports, but a copy of the letter or order imposing censure or other punishment shall be included in the officer's Confidential Report File.

8. Communication of Remarks.—(1) All adverse remarks whether through an ordinary or special report shall be communicated to the officer concerned, unless the adverse remarks are of such a nature that the communication thereof is unlikely to result in the remedy of the defect or is considered inadvisable for any other reason. While communicating an adverse remark, the name of the officer recording the adverse remark shall not be communicated to the officer reported upon. Where a report shows that an officer has made successful efforts to remedy defects to which his attention has been drawn previously, it shall be communicated to him.

(2) When an officer has done outstanding work in the course of a year and earned appreciation, it shall be communicated to him.

(3) The fact of communication of remarks under sub-rule (1) or (2) and the manner of communication shall be recorded in the confidential file.

(4) The responsiblity of communication shall be:—

(*a*) in respect of Secretaries and Heads of Departments, on the Chief Secretary;

(*b*) in respect of officers of the Mysore Judicial Service, on the Head of the Department;

(*c*) in respect of other Gazetted Officers, on the Secretary to the Government in the Department concerned;

(*d*) in respect of others, on the Head of the Office.

9. No appeal against remarks in reports.—No appeal shall lie against adverse remarks made in the Annual Confidential Reports.

10. Special Reports.—(1) Special Reports may be called for at any time on the work of any officer by the Governor or the State Government. Such reports shall be prepared and sent through the appropriate channels and shall be confined to the question or questions raised.

(2) A superior officer may, at any time of his own accord, forward a report on an officer working under him, should he consider that the conduct of an officer makes such action necessary. Such reports shall also be submitted through the appropriate channels.

(3) Any special reports about an officer's fitness for promotion or about his conduct may be included in the Confidential Report at the discretion of the officer or authority in whose custody the confidential file is kept.

11. Date of submission.—The first reporting officer shall forward the report by the 1st February following the year of report, and the successive authorities shall pass on the report with their remarks to the next higher authority within one week of its receipt by them.

12. Register to watch disposal of Reports.—A register in Form D shall be maintained by all Heads of Offices, Secretaries to Government, the Chief Secretary and the High Court to watch the timely receipt of Confidential Reports and their final disposal by the prescribed dates.

13. Previous Reports in respect of Officers of the Mysore Judicial Service.—Copies of annual and other Confidential Reports in respect of Officers of the Mysore Judicial Service prepared before the date of commencement of these rules shall be sent by the High Court to the Governor within a period of one month from such date.

14. Repeal.—Government Order No. OSD 13 OMP 57, dated the 13th July 1957, in so far as it relates to officers to whom these rules are applicable, is hereby repealed.

FORM 'A'

(*See* Rule 2)

GOVERNMENT OF MYSORE

Annual Confidential Report on Gazetted Officers for the year 19 .

Date of birth.....

1 Name of officer ... ...

2 Appointments held during the year (with dates) and pay and scale of pay ...

3 General qualifications and aptitude for post held including any special or technical and professional attainments ...

4 Manner in which the officer discharged his duties during the year, *i.e.*, if satisfactory or otherwise (specific instances of unsatisfactory work if adversely commented on to be cited with number and date of orders passed or communication made).

5 Does the officer exhibit :—

(a) Patience ... ...

(b) Tact ... ...

(c) Courtesy ... ...

(d) Impartiality in his relations with the public and subordinates with whom he comes in contact ? ... ...

6 Matters of official and public interest in which the officer has specialised himself or takes special interest... ...

7 General remarks* ... ...

8 Has the officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointments in the service ?

Reporting Officer { Name.....

Designation.....

General

Opinion of Head of Department (when not Reporting Officer) on conduct and efficiency of officer reported on.

Head of Department.

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* The Reporting Officer should give his opinion and impressions in a concise narrative form so as to cover the officer's knowledge of procedure and departmental technique, his habits, integrity, fidelity and moral standards and on any matter bearing on his efficiency and usefulness as an officer.

FORM 'B'

(*See* rule 2)

GOVERNMENT OF MYSORE

(.....Department).

Annual Confidential Report on Non-Gazetted Officers
for the year 19 .

Name.....Rank.....
Appointment held.....Date of :—(*a*) Birth.....
(*b*) Entry to Government Service.....Present Grade.....

SECTION I

Performance of duties in present grade

1	Knowledge—	
	(*a*) of work of post held	...
	(*b*) of Branch or Section	...
	(*c*) of Department	...
2	Personality and Character	...
3	Judgement	...
4	Power of taking responsibility	...
5	Initiative	...
6	Accuracy	...
7	Promptness	...
8	Address and tact	...
9	Power of supervising staff	...
10	Zeal and industry	...
11	Health	...
12	Attendance	...
13	Official Conduct (Discipline)	...
14	Fitness to hold the present post, including in respect of ministerial staff, his capacity to note/draft	...
15	General remarks (including a statement on integrity and reliability and a note of any special qualifications not included above)	...

SECTION II

Degree of Fitness for Promotion

Delete all but one of the following :—

Exceptionally well—qualified/Highly qualified/Qualified/Not yet qualified.

Remarks—

Signature of Reporting Officer.

Date.....

Rank..... .....

Remarks by Countersigning Officer.

Signature of Head of Department.

Date..... ... ...

NOTES

(SECTION I)

Note (1).—Insert in this column A, B, C, D or E, against each item to the following appraisement :—

A. Outstanding.

B. Very good.

C. Satisfactory.

D. Indifferent.

E. Poor.

Note (2).—An 'A' or 'B' marking is inappropriate to items 12 and 13.

Note (3).—This report is to be regarded as confidential ; but D and E markings against any item must be communicated to the officer concerned, except in the following circumstances :—

(i) Where the marking is due to inexperience owing to less than one year's service in the grade (except in cases of unsatisfactory conduct, laziness, etc.)

(ii) Where the weakness has already been notified and it is clear that no useful purpose can be served by repeated notifications, in such cases the officer should be advised of the proposal to discontinue future notifications to the same effect as those he has previously made. Any change, for better or worse, should be notified to the officer.

SECTION II

Note (4).—The estimate of fitness for promotion should be related to the officer's capacity, for the performance of the duties of the grade above. If he is marked "Exceptionally well qualified" or "Not yet qualified", the reasons for the marking should be stated ; and in general, Reporting Officers should make the fullest use of the "Remarks" space.

General

Note (5).—Every effort should be made to arrive at a just estimate of the qualities of the officer at the time the report is made. Reporting Officers should rely on their own judgment and experience, and the current report should be written, in the first place, without reference to the previous reports. Thereafter the previous reports may be referred to, to the extent of either contradicting or lessening the effect of the adverse remarks made in the previous years' Confidential Reports.

FORM 'C'

See Rule 6)

(Details to be Given on the first page of every Confidential Report)

(1) (*a*) Name ...
(*b*) Father's name (Husband's name, in case of married woman).
(2) (*a*) Date of birth ...
(*b*) Place of birth –Village and District.
(3) Nationality ...
(4) (*a*) Home Address ...
(*b*) Village ...
(*c*) Taluk ...
(*d*) District, etc. ...
(5) Relations in Government Service with posts held by them :—
Father or Son of the Officer.
Wife or Daughter ...
Brother or Sister ...
Father–in–law or Mother–in–law.
Son–in–law or Daughter–in–law.
First Cousins ...
(6) Immoveable property, giving full details, held by the officer or by his family. ...
(7) Full details of educational career :—

Schools or Colleges attended.	Period.	Examinations passed.	Year.	Subjects.	Class or divisions secured.

(8) Languages he can read and write.

FORM 'D'

(*See* Rule 10)

Registerd to watch the Receipt and disposal of Confidential Reports.

1	2	3	4	5	6	7	8
Sl. No.	Name of the officer to be reported upon	Designation	Due date	Date of receipt	Date when sent to the Chief Secretary to Govt. (or Minister) or Governor	Adverse remarks if any, communicated on	Remarks

[No. GAD 86 SSR 65].

By Order and in the name of the Governor of Mysore,

123 K. S. N. MURTHY, *Deputy Secretary*.